

Form B9A (Chapter 7 Individual or Joint Debtor No Asset Case)

Case Number **16-40348**

**UNITED STATES BANKRUPTCY COURT**  
District of South Dakota

**Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines**

A chapter 7 bankruptcy case concerning the debtor(s) listed below was filed on 8/19/16.

You may be a creditor of the debtor(s). **This notice lists important deadlines.** You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or online using PACER (contact the clerk's office for more information regarding PACER). Note: The staff of the bankruptcy clerk's office cannot give legal advice. **Creditors – Do not file this notice in connection with any proof of claim you submit to the court.**

**Debtor(s):**

Terry Arnold Davis  
706 Cressman Trl  
# 1  
Hartford, SD 57033-2144

Jennifer Kay Davis  
fka Jennifer Rhody  
706 Cressman Trl  
# 1  
Hartford, SD 57033-2144

**Case Number:**

16-40348

**Social Security/Taxpayer ID Numbers:**

xxx-xx-8091

xxx-xx-3118

**Attorney for Debtor(s):**

Clair R. Gerry  
Gerry & Kulm Ask, Prof. LLC  
P.O. Box 966  
Sioux Falls, SD 57101-0966  
Telephone number: (605) 336-6400

**Bankruptcy Trustee:**

Lee Ann Pierce  
P.O. Box 524  
Brookings, SD 57006-0524  
Telephone number: 605-692-9415

**Meeting of Creditors:**

Date: **September 23, 2016** Time: **01:30 PM**Location: **Suite 300, 314 S. Main Ave., Sioux Falls, SD 57104**

**Presumption of Abuse under 11 U.S.C. § 707(b)**

*See "Presumption of Abuse" on the reverse side.*

The presumption of abuse does not arise.

**Deadlines:**

Papers must be *received* by the bankruptcy clerk's office by the following deadlines:

**Deadline to Object to Discharge of Debtor(s) or to Challenge Dischargeability of Certain Debts: 11/22/16**

**Deadline to Object to Exemptions:**

Thirty (30) days after the *conclusion* of the meeting of creditors.

**Creditors May Not Take Certain Actions:**

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor(s) and the property of the debtor(s). Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor(s) can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult an attorney to determine your rights in this case.

**Please Do Not File a Proof of Claim Unless You Receive a Notice To Do So.**

**Creditor with a Foreign Address:**

A creditor to whom this notice is sent at a foreign address should read the information under "Creditor with a Foreign Address" on the reverse side.

**Address of the Bankruptcy Clerk's Office:**

400 S. Phillips Ave., Room 104  
Sioux Falls, SD 57104-6851  
Telephone number: 605-357-2400  
www.sdb.uscourts.gov

**For the Court:**

Frederick M. Entwistle  
Clerk of the Bankruptcy Court

Hours Open: Monday – Friday 8:00 AM – 5:00 PM

Date: 8/19/16

**SEE OTHER SIDE FOR IMPORTANT EXPLANATIONS.**

## EXPLANATIONS

Filing of Chapter 7 Bankruptcy Case	A bankruptcy case under chapter 7 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered.
Creditors Generally May Not Take Certain Actions	Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor(s) by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor(s); repossessing property of the debtor(s); starting or continuing lawsuits or foreclosures; and garnishing or deducting from wages of the debtor(s). Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor(s) can request the court to extend or impose a stay.
Presumption of Abuse	If the presumption of abuse arises, creditors may have the right to file a motion to dismiss the case under § 707(b) of the Bankruptcy Code. The debtor(s) may rebut the presumption by showing special circumstances.
Meeting of Creditors	A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor (both spouses in a joint case) must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court.
Do Not File a Proof of Claim at This Time	There does not appear to be any property available to the trustee to pay creditors. <i>You therefore should not file a proof of claim at this time.</i> If it later appears that assets are available to pay creditors, you will be sent another notice telling you that you may file a proof of claim, and telling you the deadline for filing your proof of claim. <i>Do not include this notice with any filing you make with the court.</i>
Discharge of Debts	The debtor(s) is (are) seeking a discharge of most debts, which may include your debt. A discharge means that you may never try to collect the debt from the debtor(s). If you believe the debtor(s) is (are) not entitled to receive a discharge under Bankruptcy Code § 727(a) or that a debt owed to you is not dischargeable under Bankruptcy Code § 523(a)(2), (4), or (6), you must file a complaint — or a motion if you assert the discharge should be denied under § 727(a)(8) or (a)(9) — in the bankruptcy clerk's office by the "Deadline to Object to Discharge of Debtor(s) or to Challenge Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint or motion and any required filing fee by that deadline.
Exempt Property	The debtor(s) is (are) permitted by law to keep certain property as exempt. Exempt property will not be sold and distributed to creditors. The debtor(s) must file a list of all property claimed as exempt. You may inspect that list at the bankruptcy clerk's office. If you believe an exemption claimed by the debtor(s) is not authorized by law, you may file an objection to that exemption. The bankruptcy clerk's office must receive the objection by the "Deadline to Object to Exemptions" listed on the front side.
Bankruptcy Clerk's Office	Any paper you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the lists of the debtor(s)' property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office. You may also review them online using PACER (contact the clerk's office for more information regarding PACER).
Creditor with a Foreign Address	If you are a creditor receiving a notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.
Legal Advice	The staff of the bankruptcy clerk's office cannot give legal advice. Consult an attorney to determine your rights in this case.
Debtor Identification	<b>Important notice to individual debtors: All individual debtors must provide picture identification and proof of social security number to the trustee at the meeting of creditors. Failure to do so may result in the dismissal of your case.</b>

— Refer to Other Side for Important Deadlines and Notices —